

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SHELLBIE MAE KLINS,

Defendant.

No. 2:15-CR-67-WFN-2

ORDER GRANTING MOTION TO
RELEASE INTO INPATIENT
TREATMENT

Before the Court is Defendant's Motion for release into inpatient treatment, ECF No. 58.

Defendant seeks release into inpatient treatment, but her Motion doesn't indicate where inpatient treatment has been arranged. The U.S. Probation Office has indicated Defendant's inpatient treatment is being arranged at SPARC. The Defendant's Motion indicates the United States does not object to Defendant's release into inpatient treatment.

IT IS ORDERED that Defendant's Motion, **ECF No. 58**, is **GRANTED**. The release of the Defendant is subject to the following:

STANDARD CONDITIONS OF RELEASE

(1) Defendant shall not commit any offense in violation of federal, state or local

1 law. Defendant shall advise the supervising Pretrial Services Officer and
2 defense counsel within one business day of any charge, arrest, or contact
3 with law enforcement. Defendant shall not work for the United States
4 government or any federal or state law enforcement agency, unless
5 Defendant first notifies the supervising Pretrial Services Officer in the
6 captioned matter.

7 (2) Defendant shall immediately advise the court, defense counsel and the U.S.
8 Attorney in writing before any change in address and telephone number.

9 (3) Defendant shall appear at all proceedings as required and shall surrender for
10 service of any sentence imposed as directed.

11 (4) Defendant shall sign and complete A.O. Form 199C before being released.

12 (5) Defendant shall not possess a firearm, destructive device or other dangerous
13 weapon.

14 (6) Defendant shall report to the United States Probation Office before or
15 immediately after release and shall report as often as they direct, at such
16 times and in such manner as they direct.

17 (7) Defendant shall contact defense counsel at least once a week.

18 (8) Defendant is further advised, pursuant to 18 U.S.C. § 922(n), it is unlawful
19 for any person who is under indictment for a crime punishable by
20 imprisonment for a term exceeding one year, to possess, ship or transport in
21 interstate or foreign commerce any firearm or ammunition or receive any
22 firearm or ammunition which has been shipped or transported in interstate or
23 foreign commerce.

24 (9) Defendant shall refrain from the use or unlawful possession of a narcotic
25 drug or other controlled substances defined in 21 U.S.C. § 802, unless
26 prescribed by a licensed medical practitioner in conformance with Federal
27 law. Defendant may not use or possess marijuana, regardless of whether
28 Defendant has been authorized medical marijuana under state law.

(10) Defendant shall surrender any passport to Pretrial Services and shall not
apply for a new passport.

ADDITIONAL CONDITIONS OF RELEASE

- (14) Defendant shall remain in the Eastern District of Washington while the case is pending. By timely motion clearly stating whether opposing counsel and Pretrial Services object to the request, Defendant may be permitted to travel outside this geographical area.
- (18) Refrain from any use of alcohol.
- (19) There shall be no alcohol in the home where Defendant resides.
- (20) There shall be no firearms in the home where Defendant resides.

SUBSTANCE ABUSE EVALUATION AND TREATMENT

If Defendant is required to submit to a substance abuse evaluation, inpatient or outpatient treatment, the following shall apply:

Defendant shall complete treatment indicated by an evaluation or recommended by Pretrial Services and shall comply with all rules of a treatment program. Defendant shall be responsible for the cost of testing, evaluation and treatment, unless the United States Probation Office should determine otherwise. The United States Probation Office shall also determine the time and place of testing and evaluation and the scope of treatment.

Prior to commencing any evaluation or treatment program, Defendant shall provide waivers of confidentiality permitting the United States Probation Office and the treatment provider to exchange without qualification, in any form and at any time, any and all information or records related to Defendant's conditions of release and supervision, and evaluation, treatment and performance in the program. It shall be the responsibility of defense counsel to provide such waivers.

Following any evaluation or treatment ordered here, Defendant shall complete any recommended aftercare program.

If Defendant terminates any treatment program before it is completed, the treatment provider and Defendant shall immediately notify the U.S. Probation Officer.

1 If Defendant leaves an inpatient program before treatment is
2 completed, the treatment facility and Defendant shall immediately notify the
3 U.S. Probation Officer or, if the U.S. Probation Officer is unavailable, the U.S.
4 Marshal, who shall in turn immediately notify the undersigned. Defendant
shall comply with all directives of the U.S. Probation Officer.

5 PROVIDED that Defendant's treatment and release from custody is on the
6 express condition that treatment not hinder or delay the adjudication of this case,
7 and that Defendant appear in person when required regardless of treatment status,
and maintain adequate contact with defense counsel.

8 (25) **Inpatient Treatment:** Defendant shall participate in an inpatient treatment
9 program.

10 Pretrial Services shall explore the availability of inpatient substance abuse
11 treatment and shall advise the Court and the parties if and when such
12 treatment or bed date is available, and the transportation arrangements.
13 **Whereupon the Court will execute the A.O. Form 199C referenced in**
14 **Condition #4 above, and release Defendant to such treatment.** The AO
199C form will specify when and to whom Defendant is to be released

15 If Defendant successfully completes inpatient treatment, she shall reside at a
16 residence approved in advance by Pretrial Services, and comply with all
17 conditions herein including recommended follow-up treatment.

18 (27) **Prohibited Substance Testing: If random urinalysis testing is not done**
19 **through a treatment program, random urinalysis testing shall be**
20 **conducted through Pretrial Services, and shall not exceed six (6) times**
21 **per month.** Defendant shall submit to any method of testing required by the
22 Pretrial Service Office for determining whether the Defendant is using a
23 prohibited substance. Such methods may be used with random frequency
24 and include urine testing, the wearing of a sweat patch, a remote alcohol
25 testing system, and/or any form of prohibited substance screening or testing.
26 Defendant shall refrain from obstructing or attempting to obstruct or tamper,
in any fashion, with the efficiency and accuracy of prohibited substance
testing.

27 If a party desires that another Court review this order pursuant to 18 U.S.C.
28 § 3145, that party shall promptly file a motion for review before the district judge

1 to whom the case is assigned, as further described in the Detention Order Review
2 Protocol published for the Eastern District of Washington. Both parties shall
3 cooperate to insure that the motion is promptly determined.

4 DATED December 1, 2015.

A handwritten signature in black ink, consisting of stylized, overlapping loops and strokes, representing the name John T. Rodgers.

JOHN T. RODGERS
UNITED STATES MAGISTRATE JUDGE